

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: FLORIDA

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
	A. <u>General Conditions of Eligibility</u>
	Each individual covered under the plan:
42 CFR Part 435, Subpart G	1. Is financially eligible (using the methods and standards described in Parts B and C of this Attachment) to receive services.
42 CFR Part 435, Subpart F	2. Meets the applicable non-financial eligibility conditions.
	a. For the categorically needy:
	(i) Except as specified under items A.2.a.(ii) and (iii) below, for AFDC-related individuals, meets the non-financial eligibility conditions of the AFDC program.
	(ii) For SSI-related individuals, meets the non-financial criteria of the SSI program or more restrictive SSI-related categorically needy criteria.
1902(l) of the Act	(iii) For financially eligible pregnant women, infants or children covered under sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), 1902(a)(10)(A)(i)(VII), and 1902(a)(10)(A)(ii)(IX) of the Act, meets the non-financial criteria of section 1902(l) of the Act.
1902(m) of the Act	(iv) For financially eligible aged and disabled individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act, meets the non-financial criteria of section 1902(m) of the Act.

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Citation	Condition or Requirement
	b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 435.
1905(p) of the Act	c. For financially eligible qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, meets the non-financial criteria of section 1905(p) of the Act.
1905(s) of the Act	d. For financially eligible qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, meets the non-financial criteria of section 1905(s).
42 CFR 435.402	3. Is residing in the United States and-- a. Is a citizen;
Sec. 245A of the Immigration and Nationality Act	b. Is an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, as defined in 42 CFR 435.408.
1902(a) and 1903(v) of the Act and 245A(h)(3)(B) of the Immigration & Nationality Act	c. Is an alien granted lawful temporary resident status under section 245A and 210A of the Immigration and Nationality Act if the individual is aged, blind, or disabled as defined in section 1614(a)(1) of the Act, under 18 years of age or a Cuban/Haitian entrant as defined in section 501(e)(1) and (2)(A) of P.L. 96-422;

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Citation

Condition or Requirement

42 CFR 435.403
1902(b) of the
Act

- d. Is an alien granted lawful temporary resident status under section 210 of the Immigration and Nationality Act not within the scope of c. above (coverage must be restricted to certain emergency services during the five-year period beginning on the date the alien was granted such status); or
- e. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (coverage must be restricted to certain emergency services).

4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address.

☒ State has interstate residency agreement with the following States:

CA	LA	MD	S.D.	AK
Miss	Minn	N.D.	KS	
WV.	N.J.	TX	ID	
S.C.	GA	NM-	KY	
TN	OH	IA	AL	

☒ State has open agreement(s).

☐ Not applicable; no residency requirement.

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Citation	Condition or Requirement
42 CFR 435.1008	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, nursing facilities and intermediate care facilities for the mentally retarded, or publicly operated community residences that serve no more than 16 residences, or certain child care institutions.
42 CFR 435.1008 1905(a) of the Act	b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program. <u>/X/</u> Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.
42 CFR 433.145 1912 of the Act	6. Is required, as a condition of eligibility, to assign his or her own rights, or the rights of any other person who is eligible for Medicaid and on whose behalf the individual has legal authority to execute an assignment, to medical support and payments for medical care from any third party. (Medical support is defined as support specified as being for medical care by a court or administrative order.)

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Citation

Condition or Requirement

An applicant or recipient must also cooperate in establishing the paternity of any eligible child and in obtaining medical support and payments for himself or herself and any other person who is eligible for Medicaid and on whose behalf the individual can make an assignment; except that individuals described in §1902(1)(1)(A) of the Social Security Act (pregnant women and women in the post-partum period) are exempt from these requirements involving paternity and obtaining support. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.

An applicant or recipient must also cooperate in identifying any third party who may be liable to pay for care that is covered under the State plan and providing information to assist in pursuing these third parties. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.

X7 Assignment of rights is automatic because of State law.

42 CFR 435.910

7. Is required, as a condition of eligibility, to furnish his/her social security account number (or numbers, if he/she has more than one number) except for aliens seeking medical assistance for the treatment of an emergency medical condition under section 1903(v)(2) of the Social Security Act, (section 1137(f)), and newborn children who are eligible under Section 1902(e)(4).

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Citation	Condition or Requirement
1902(c)(2)	8. Is not required to apply for AFDC benefits under title IV-A as a condition of applying for, or receiving, Medicaid if the individual is a pregnant woman, infant, or child that the State elects to cover under sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.
1902(e)(10)(A) and (B) of the Act	9. Is not required, as an individual child or pregnant woman; to meet requirements under section 402(a)(43) of the Act to be in certain living arrangements. (Prior to terminating AFDC individuals who do not meet such requirements under a State's AFDC plan, the agency determines if they are otherwise eligible under the State's Medicaid plan.)
1906 of the Act	10. Is required to apply for enrollment in an employer-based cost-effective group health plan, if such plan is available to the individual. Enrollment is a condition of eligibility except for the individual who is unable to enroll on his/her own behalf (failure of a parent to enroll a child does not affect a child's eligibility).

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Citation	Condition or Requirement
435.725 B. <u>Post-Eligibility Treatment of Institutionalized Individuals Without Spouses</u> 435.733 435.832	
1902(o) of the Act	1. The following amounts are not considered in the posteligibility process: a. SSI and SSP benefits paid under §§1611(e)(1)(E) and (G) of the Act to individuals who receive care in a hospital, nursing facility, or ICF/MR.
Bondi v. Sullivan (SSI)	b. Austrian Reparation Payments (pension(reparation) payments made under §§500-506 of the Austrian General Social Insurance Act). Applies only if State follows SSI program rules with respect to the payments.
1902(r)(1) of the Act	c. German Reparation Payments (reparation payments made by the Federal Republic of Germany).
105/206 of P.L. 100-383	d. Japanese and Aleutian Restitution Payments.
10405 of P.L. 101-239	e. Payments from the Agent Orange Settlement Fund or an other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
6(h)(2) of P.L. 101-426	f. Radiation Exposure Compensation
	2. The following amounts are deducted from total income in the application of an individual's or couple's income to the cost of institutional care: a. Personal Needs Allowance. (i) Aged, blind, disabled— Individuals \$ <u>35</u> ¹ Couples \$ <u>70</u> ² For individuals with greater need— ³ (ii) AFDC related— Children \$ _____ Adults \$ _____ ⁴

¹For individuals receiving a VA pension limited to up to \$90 a month under Section 601 of P.L. 102-568, the Personal Needs Allowance is the total of the amount permitted to be paid under Section 601 (up to \$90) and the amount specified in this section.

²The deduction described in footnote 1 applies when either member of a couple receives a VA pension described in footnote 1.

³Supplement 14 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and where appropriate, identifies the authority for approving that a criterion is met.

⁴For individuals receiving a VA pension limited to up to \$90 a month under Section 601 of P.L. 102-568, the Personal Needs Allowance is the total of the amount permitted to be paid under Section 601 (up to \$90) and the amount specified in this section.

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State: FLORIDA

Citation

Condition or Requirement

For individuals with greater need--⁵

- (iii) Individuals under age 21 covered in this plan as specified in Item
B.7. of Attachment 2.2-A. \$_____
For individuals with greater need--⁶

435.725
435.733
435.832

- b. For the maintenance of each member of non-institutionalized family at home. The amount must be based on a reasonable assessment of need but must not exceed the higher of the:
- o AFDC level; or
 - o Medically needy level:

X-AFDC level \$____ Varies by family size; refer to the Need
Standard on Supplement I to Attachment 2.6-A, page 1.
-Medically Needy level \$____
-Other \$____

⁵Supplement 14 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and where appropriate, identifies the authority for approving that a criterion is met.

⁶Supplement 14 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and where appropriate, identifies the authority for approving that a criterion is met.

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Citation

Condition or Requirement

Section 1924 . 2.. Maintenance standards for community spouses and other dependent family members used to calculate monthly income allowances under Section 1924(d) is used (plus excess shelter costs).

a. Community Spouses

- ☒ 1. A standard based on the formula contained in Section 1924(d) is used (plus excess shelter costs).
- ☐ 2. The maximum standard contained in Section 1924(d)(3)(C).
- ☐ 3. A fixed standard which is greater than the minimum standard described in Section 1924(d) (plus actual excess shelter costs not to exceed the maximum standard contained in Section 1924(d)(3)(C). The standard used is \$_____.

b. Other family members who are dependent

- ☒ 1. A standard based on the formula contained in Section 1924(d)(1)(C) is used.
- ☐ 2. A fixed standard greater than the amount which would be used if the formula described in section 1924(d)(1)(C) were used. The standard is \$_____. 133% of federal poverty level for two, plus excess shelter costs.

c. The standards described above are used for individuals receiving home and community based waiver services in lieu of services provided in a medical and remedial care institution.

d. Definition of Dependency

The definition of dependency on Attachment 2.6-A, page 5b is used to define dependent children, parents and siblings for purposes of deducting allowances under Section 1924.

*Agency that determines eligibility for coverage.

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Citation

Condition or Requirement

3. For dependents each family member, where there is no community spouse living in the home.
AFDC level \$ varies by family size
Medically needy level \$
Other as follows \$
4. Amounts for incurred medical expenses not subject to payment by a third party.
- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care not covered under the Medicaid plan (Reasonable limits on amounts are described in Supplement 3 to ATTACHMENT 2.6-A.)
5. An amount for maintenance of a single individual's home for not longer than 6 months, if a physician has certified he or she is likely to return home within that period.
- Yes. Amount for maintenance of home \$
- X No.
6. SSI benefits paid under section 1611(e)(1)(E) and (G) of the Act to individuals who receive care in a hospital or NF.

1902(1) of the
Act

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